

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DR. LAWRENCE P. RUDOLPH, D.D.S.,	:	
	:	
Plaintiff,	:	Civil Action No. 13-CV-0408-ASJ
	:	
v.	:	Hon. Arthur J. Schwab
	:	
PAUL BABAZ,	:	
	:	
Defendant.	:	

[PROPOSED] ORDER OF COURT

AND NOW, this ____ day of _____, 2013, Defendant Paul Babaz's Motion to Dismiss Plaintiff's Complaint (doc. no. 1) is **GRANTED** for the following reasons:

1. Plaintiff's Complaint is dismissed pursuant to Federal Rule of Civil Procedure 12(b)(2), because Plaintiff has failed to establish that this Court has personal jurisdiction over Mr. Babaz under the general, specific or "effects test" jurisdictional theory.
2. [Plaintiff's individual claims fail and are dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted, because:
 - a) Plaintiff's alleged defamation claim (Count One) is barred by Pennsylvania's applicable one-year statute of limitations under 42 Pa.C.S.A. § 5523(1);
 - b) Plaintiff's alleged "intentional interference with contract" claim (Count Two) is barred by Pennsylvania's applicable one-year statute of limitations under 42 Pa.C.S.A. § 5523(1);

- c) Plaintiff's alleged "breach of fiduciary duty" claim (Count Three) is barred by Pennsylvania's applicable one-year statute of limitations under 42 Pa.C.S.A. § 5523(1); and
 - d) Plaintiff's Complaint fails to plead facts sufficient to support a breach of fiduciary duty claim (Count Three).]
3. [The reasons supporting the GRANTING of Mr. Babaz's Motion to Dismiss are further set forth in the accompanying Memorandum Opinion (doc. no. ____).]

J.

cc: All registered ECF Counsel